

Tax Possession Sale Committee

Rules and Procedures

Section 1: Introduction

- i. The Tax Possession Sale Committee hereinafter referred to as “The Committee” or the “TPSC,” consists of seven (7) members, each of whom is appointed to either a one (1), two (2), or three (3) year term.

Section 2: Purpose and Intent

- i. These Rules and Procedures shall govern the operation of meetings and business before the Committee in carrying out its duties and responsibilities as assigned to it by the General Town Bylaws and the General Laws of the Commonwealth of Massachusetts.
- ii. The purpose and intent of The Committee is to sell, transfer and/or convey real property held by it through tax takings, in the best interest of the Town of Westford.
- iii. The Committee’s Rules and Procedures are intended to provide a source of ready reference to interested citizens; to assure the orderly conduct of business at the meetings of the Committee; to provide the most efficient use of the Committee and staff’s time; to facilitate the decision making process of the Committee; and to assure everyone’s right to participate and be heard.
- iv. Should any provisions contained in this document conflict with the Provisions of Chapter 60 of General Laws of Chapter 39, Sections 23A, 23B, and 23C, of the General Laws as amended (commonly referred to as the Open Meeting Law), or to Chapter 41, Sections 81-66 or to 40A as amended, those aforesaid chapters shall govern.
- v. Recognizing that stewardship of the public interest must be their primary concern, Committee members will work for the common good of the residents of Westford and not for any private or personal interest, and they will assure fair and equal treatment of all persons and transactions coming before the Committee.

Section 3: Services Provided by the Committee

1) Responsibilities Delegated to the Community by Town By-Law

- i. The Committee shall have the care, custody and control of all land acquired by the Town under the provisions of Massachusetts General Laws chapter 60, as the same may be amended from time to time, and may sell and convey such land at public or private sale on such terms and conditions as said Committee shall determine. (**Section 48.5. Responsibilities.** [Amended 5-11-02 ATM Art. 30])

Section 4: Organization

1.) Election of Officers and Appointment to Committees

- i. The Committee shall elect officers (Chair, vice-Chair and secretary) at its first regular meeting following the beginning of each fiscal year (July 1st) by majority vote of the members present.
- ii. A Committee member may serve as an officer for two (2) consecutive years, after which she/he shall not be eligible to be nominated for the same position until one year has passed. However, a majority vote of the Committee can waive this provision.
- iii. At its first regular meeting after the resignation of any officer, the Committee shall elect a member to fill the vacancy. The Committee, by a majority vote, may declare the position vacant. Such vacancy shall be filled in the manner provided for filling vacancies caused by resignations from that position.
- iv. If a sub-committee is required, a committee member shall be appointed by the chair to serve as chair of the sub-committee.

2.) Chair: Duties and Powers

- i. The Chair shall preside at meetings, coordinate development of agenda, call special meetings and represent the Committee in all matters unless other specific provision is established through a majority vote of the full Committee. In addition to responsibilities identified elsewhere in this document, the Chair shall make oral or written statements and agreements on behalf of the Committee, as authorized by and within the limits of a vote, decision, or policy of the Committee.
- ii. The Chair shall have the power to appoint Committee members to standing and special committees. The Chair may vote on all matters coming before the Committee and may participate in debate unless otherwise prohibited by Section 9.
- iii. Working through appropriate staff, the Chair shall be responsible for:
 - The preparation of all reports and correspondence
 - Ensuring that minutes of each meeting are taken and prepared
 - Receipt of all monies and securities deposited with the Committee and its subsequent deposit with the Town Treasurer.

3.) Staff Support

- i. The Town Manager will designate the appropriate staff member to support the Committee.

Section 5: Meetings

1.) Regular Committee Meetings

- i. Regular meetings of the Committee shall be held at a designated hearing room on a Thursday of each month, excluding legal holidays, except as otherwise voted by the Committee. All meeting dates, times, and locations shall be posted in advance in accordance with the provisions of the Open Meeting Laws. (**M.G.L. Chapter 38 Section 18-25**)
- ii. Committee Members shall come to a meeting prepared to make informed decisions on matters before the Committee. In order to assist members, staff will make the office and records available. The Chair and/or staff can and shall distribute an agenda to each member of the Committee, together with appropriate explanatory notes and copies of correspondence and/or other material relevant to the agenda on the Friday preceding the meeting, if available.
- iii. Committee members shall listen attentively to all public discussions before the Committee and focus on the business at hand.
- iv. Regular Meetings shall be limited to approximately two (2) hours

2.) Public Participation During Meetings

- i. In accordance with the Open Meeting Laws, (**M.G.L. Chapter 38 Section 18-25**) all Committee meetings shall be open to the public unless the Committee shall vote to go into executive session.
- ii. No individual shall address a meeting of the Committee without leave of the Chair and all individuals shall conduct themselves in a civil manner. (**MGL Chapter 39, Section 23-B**).

3.) Agenda

- i. The Chair in consultation with the appropriate staff shall draw up an agenda for each regular meeting. Any Committee member may request that an item be placed on the agenda for consideration. Citizens wishing to submit an agenda item to the Committee should first confer with the Chair. Except for emergencies or compliance with legal requirements, the agenda for each regular meeting of the Committee will be closed at 3:00 p.m. on the date three days preceding such meeting.
- ii. The appropriate staff shall provide the Committee with a summary of available, relevant information on each subject to be discussed.
- iii. The agenda shall be delivered to each member not later than the 48 hours preceding the scheduled meeting. It shall indicate the subjects to be discussed and the parties interested. The Chairman may modify the order in which agenda items are discussed with the concurrence of a majority of the Committee members, the Chair included, in attendance.

4.) Quorum

- i. A majority of the authorized membership of the committee (4 members) will constitute a quorum and must be present to conduct a meeting.

5.) Votes of the Committee

- i. The Committee shall make its decisions on all matters within its statutory responsibilities by the quorum's majority vote of seconded motions. The Committee may choose to decide upon other matters in a less formal manner.

Section 6: Citizen Involvement

- i. In addition to setting aside an adequate amount of time at each regular meeting under the Open Forum provision, the Chair shall recognize members of the audience during regular and special meetings at his/her discretion and time permitting.
- ii. Periodic press releases and informational memoranda on Committee projects and activities shall be made available to the local press and for general distribution.
- iii. The Committee receives email correspondence through the Town's website (www.westfordma.gov).

Section 7: Public Records

1.) Minutes and Agenda

- i. The Committee Regular Meeting, and Special Meeting Minutes and Agendas are kept by the town official designated by the town manager in the appropriate staff members Department, Town Clerk's office, and are located on the Town's official website (www.westfordma.gov).

2.) Electronic Records/Mail (E-mail)

- i. Use of Electronic Records must comply with the Westford Technology Acceptable Use Policy.
- ii. Email between committee members should not violate communication restrictions set forth in the State's Open Meeting Law (**M.G.L. Chp 30a 18-25**)
- iii. All e-mails sent and received by committee members and Town staff shall be sent through the Town official e-mail system. Town staff shall ensure that all members are provided official e-mail accounts upon appointment to the Committee.
- iv. E-mail use by committee members should follow the Town's Electronic Mail Policy.

3.) Public Access

- i. The Public Records of the Committee are available for inspection during regular

- business hours.
- ii. The Town may charge persons requesting public records, or copies thereof. Such monies shall be turned over to the Town Treasurer.

4.) Inventory of Available Surplus Tax Possession Properties

- i. The Committee shall maintain a current inventory of surplus town property. This inventory shall be created and updated by appropriate staff.
- ii. The staff shall use a Geographic Information System (GIS) database if available to maintain the inventory.
- iii. The inventory of tax possession properties shall be made available to the public on the Committee's webpage on the Town's website:
http://www.westfordma.gov/pages/Government/TownDepartments/boardsandcommittees/WestfordMA_TPSC/index

Section 8: Real Property Dispositions

1) Inquiries Regarding Tax Possession Sale Committee Parcels:

- i. The Committee will respond to all inquiries. For those inquiries not accompanied by a completed form indicating a offer to purchase (a bid for a parcel), the committee will respond appropriately via a letter, email, or in some other written form which may include any or all of the following:
 - Answers to the question(s) posed by the inquiry
 - The date of the next meeting of the TPSC
 - That their inquiry will be on the agenda for the next meeting,
 - That the inquirer is welcome to attend and participate in TPSC meetings
 - A link to the *TPSC Rules and Procedures* on the Town's website for disposing of parcels
 - A link to the listing the TPSC parcels on the Town's website
 - A link to the appropriate form for the interested party to complete to make an offer to purchase (a bid) on the Town's website
 - Any other comments or information that the committee may deem appropriate as a response to the inquiry

2.) Disposition Methods and Procedures

The Committee is responsible for determining the most appropriate means to dispose of TPSC properties.

The Committee shall facilitate the disposition of TPSC properties utilizing one of the following methods:

- Transfer to another Town Board, Committee, Commission, or Department

- Sale of parcel(s) appraised at less than \$25,000.00
 - Sale of parcel(s) appraised at \$25,000.00 or greater
 - Public Auction
- i. Transfer to another Town Board, Committee, Commission, or Department
The TPSC will declare as Surplus the parcel(s) to be transferred. The TPSC and Town Staff will take the necessary steps to place an Article on the Warrant for the next occurring Town Meeting, be it either Annual Town Meeting, or Special Town Meeting. In the event that Town Meeting votes to transfer the parcel(s), the parcel(s) shall be transferred by the appropriate Town Staff as voted on by, and in accordance with any restrictions placed by, Town Meeting. If Town Meeting fails to vote to transfer the parcel(s), the parcel(s) remain in the TPSC custody.
- ii. Sale of parcel(s) appraised at less than \$25,000.00.
The TPSC, having received a bid for a specific parcel(s) whose appraised value is less than \$25,000.00, will take steps to cause the following actions to occur:
- A.)** All abutters within 300 feet of the parcel(s) will be mailed a notice informing them that the parcel is town owned and that an interest in purchasing the parcel has been received by the TPSC.
- Said notice may contain the location (address if available) of the parcel,
 - Said notice may contain the parcel(s) ID designation in the Town's online GIS system (in the form ###-####-####),
 - Said notice may contain an internet address to the Town's online GIS system,
 - Said notice may contain the date of the subsequent TPSC meeting at which the parcel(s) will be discussed and at which additional bids will be considered,
 - Said notice may clearly state that the TPSC may dispose of that parcel at the advertised meeting.
 - A map should also be included with the notice.
- B.)** A notice will be placed in the local newspaper(s) and on the Town's bulletin board in Town Hall stating that
- A parcel that is town owned and in which an interest in purchasing the parcel has been received by the TPSC.
 - Said notice may contain the location (address if available) of the parcel, the parcel(s) ID designation in the Town's online GIS system (in the form ###-####-####)
 - Said notice may contain an internet address to the Town's online GIS system
 - Said notice may contain the date of the subsequent TPSC meeting at which the parcel(s) will be discussed and at which additional bids will be considered
 - Said notice may clearly state that the TPSC may dispose of that parcel at the advertised meeting. This notice must appear in print at least fourteen (14) days prior to the date of the TPSC meeting at which the parcel(s) will be discussed.

C.) A notice will be sent to the following Town Departments: Board of Selectmen, Zoning Board of Appeals, Planning Board, Conservation Commission, Affordable Housing Trust Fund Committee, Highway Department, and Health Department, et cetera.

- Said notice will inform the recipient that the parcel is town owned and that an interest in purchasing the parcel has been received by the TPSC.
- Said notice should contain the location (address if available) of the parcel,
- Said notice should contain the parcel(s) ID designation in the Town's online GIS system (in the form ###-####-####),
- Said notice should contain the date of the subsequent TPSC meeting at which the parcel(s) will be discussed and at which additional bids will be considered,
- Said notice should state that the TPSC may dispose of that parcel at the advertised meeting.
- A map should also be included with the notice.
- This notice should also clearly state that if the recipient has any interest in, or wishes to comment on, the parcel itself or the interest/bid for the parcel, the recipient should respond to the TPSC at least three (3) days prior to the advertised TPSC meeting date,
- Said notice should clearly state that failure to do so will be taken by the TPSC as having no interest in the parcel(s).

D.) At the advertised meeting, the TPSC will open and discuss any bids that have been received. The TPSC may decide at that meeting to accept or reject any bid(s), or it may defer a decision until a subsequent meeting.

iii) Sale of parcel(s) appraised at \$25,000.00 or greater

The TPSC, having either received a bid for a specific parcel(s) whose appraised value is \$25,000.00 or greater, will, at the next meeting of the TPSC, take steps to cause the following actions to occur:

A) All abutters within 300 feet of the parcel(s) will be mailed a notice informing them that

- The parcel is town owned and that an interest in purchasing the parcel has been received by the TPSC
- Said notice may contain the location (address if available) of the parcel
- The parcel(s) ID designation in the Town's online GIS system (in the form ###-####-####)
- Said notice may contain an internet address to the Town's online GIS system
- Said notice may contain the date of the TPSC meeting at which the parcel(s) will be discussed and at which additional bids will be considered
- Said notice may clearly state that the TPSC may dispose of that parcel at the advertised meeting
- A map should also be included with the notice

B.) A notice will be placed in the local newspaper(s) and on the Town's bulletin board in Town Hall stating that

- A parcel that is town owned and in which an interest in purchasing the parcel has been received by the TPSC
- Said notice may contain the location (address if available) of the parcel
- The parcel(s) ID designation in the Town's online GIS system (in the form ###-####-####)
- Said notice may contain an internet link to the Town's online GIS system
- Said notice may contain the date of the subsequent TPSC meeting at which the parcel(s) will be discussed
- Said notice may contain the date of the subsequent TPSC meeting at which additional bids will be considered
- Said notice may clearly state that the TPSC may dispose of that parcel at the advertised meeting

This notice must appear in print at least fourteen (14) days prior to the date of the TPSC meeting at which the parcel(s) will be discussed.

C.) A notice will be sent to the following Town Departments: Board of Selectmen, Zoning Board of Appeals, Planning Board, Conservation Commission, Affordable Housing Trust Fund Committee, Highway Department, and Health Department, et cetera. Said notice will inform the recipient that

- The parcel is town owned and that an interest in purchasing the parcel has been received by the TPSC
- Said notice should contain the location (address if available) of the parcel
- Said notice should contain the parcel(s) ID designation in the Town's online GIS system (in the form ###-####-####)
- Said notice should contain the date of the TPSC meeting at which the parcel(s) will be discussed and at which additional bids will be considered
- Said notice should clearly state that the TPSC may dispose of that parcel at the advertised meeting
- A map should also be included with the notice.
- This notice should also clearly state that if the recipient has any interest in, or wishes to comment on, the parcel itself or the interest/bid for the parcel, the recipient should respond to the TPSC at least one week prior to the advertised TPSC meeting date, and that failure to do so will be taken by the TPSC as having no interest in the parcel(s)

D.) The TPSC and Town Staff will issue a Request for Proposals ("RFP") to solicit bids for the parcel(s), and shall place a notice in the Central Register at least 30 days prior to any further action by the TPSC on this parcel.

See <http://www.sec.state.ma.us/spr/sprcentral/cent1.htm> for instructions.

Said notice shall include the following:

- The actual RFP
- An identification of the parcel(s) in accordance with the generally accepted practices for identifying parcels in such notices.
- The date of the proposed TPSC meeting at which responses and bids to the RFP will be opened,

- Said notice should clearly state that the TPSC may act on the advertised date to dispose of the parcel(s),
- Said notice should contain contact information for interested parties to direct questions and comments.

E.) At the advertised meeting, the TPSC will open and discuss any responses to the RFP, and bids that have been received. The TPSC may decide at that meeting to accept or reject any bid(s) for the parcel, or it may defer a decision until a subsequent meeting.

iiii) Public Auction

The TPSC and the Town Staff will contract with an Auctioneer, who will advertise and conduct the public auction of selected parcel(s) in accordance with dictates of the TPSC and all applicable Town and State Laws regarding the disposition of Town owned properties, compliant with the State's Uniform Procurement Act, M.G.L. Chapter 30B, sec. 16.

3) Proactive Disposition Activities:

i) The TPSC may initiate actions to generate interest and awareness in parcel(s), such as, but not limited to, directly notifying abutters to TPSC parcel(s) that a parcel near them is town owned and is available for sale.

ii) The TPSC may notify Town Boards, Committees, Commissions, and Departments of parcels the TPSC deems of possible interest to any Town entity.

iii) The TPSC may initiate other activities the committee deems appropriate.

4) Disposition Criteria:

i) It is the TPSC's responsibility to determine the best use for the Town of Westford for any TPSC parcel(s). Special consideration should be given both to returning parcels to taxable status, as well as complementing any specific Town use of the parcels. Input from Town entities should be given careful consideration in this regard.

ii) TPSC parcels are free of back property taxes and betterments.

iii) The TPSC is empowered to dispose of parcel(s) for any amount that the committee deems appropriate.

Section 9: Conflict of Interest

i) Committee members are governed by statutory laws and shall conduct themselves in accordance with Conflict of Interest and Ethics Laws and Guidelines when dealing with the Committee, applicants, and other Town Committees.

Section 10: Interface with other Town Committees

i) It is the policy of the Committee to inform other Town agencies of Committee projects. This shall be done by exchange of minutes and informational memoranda; notices of potential parcel sales; and by participation at periodic Interdepartmental Meetings.

Section 11: Independence of Committee

i) Because of the value of independent advice of the Committee to the public decision-making process, members of the Committee shall refrain from using their position to unduly influence the deliberations or outcomes of the Committee proceedings.

Section 12: Positive Work Environment

i) Members shall support the maintenance of a positive and constructive work place environment for Town Staff and for residents and applicants dealing with the Committee. Members shall recognize their special role in dealings with Town Staff to in no way create the perception of inappropriate direction to staff. Except as provided by the Town Charter, members therefore shall not interfere with the professional duties of staff nor shall they impair the ability of staff to implement Committee policy decisions.

Section 13: Use of Public Resources

i) Committee Members shall not use public resources not available to the public in general for private or personal purposes, such as staff time, equipment, supplies or facilities.

Section 14: Adoption and Amendment

i) These Rules of Procedure may be adopted and subsequently amended at any regular meeting by a majority vote of the Committee, provided that any original proposal or amendment shall have been proposed at a regular meeting preceding that during which a vote is taken, and further provided that all members are mailed copies of the proposal in the interim.

ii) Notwithstanding item (i) above, an emergency amendment may be made at any meeting with the unanimous consent of the full Committee, and without necessity of carrying the matter over between two regular meetings, unless the amendment is brought up at that meeting and approved by a majority of those members present. Any modification of the emergency provision requires that procedure (i) above be followed.

iii) These rules shall be reviewed at the organizational meeting each year.

Section 15: Regulatory History

i) Adopted 21 November 2014

Revised 16 April 2015

The Tax Possession Sale Committee
Town Of Westford